

January 12, 2009

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
JANUARY 12, 2009

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

MICHAEL BABCOCK
BUILDING INSPECTOR

REGULAR_MEETING

MR. KANE: I'd like to call to order the January 12, 2009 meeting of the New Windsor Zoning Board of Appeals.

APPROVAL_OF_MINUTES_DATED_DECEMBER_8,_2008

MR. KANE: Motion to accept the minutes of December 2, 2008 meeting as written.

MR. BEDETTI: So moved.

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MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS

WILLIAM_MC_WILLIAMS_(09-01)

MR. KANE: Preliminary meetings, first is William McWilliams. Request for 9 foot 4 inch rear yard setback for proposed addition at 465 Jackson Avenue in an R-1 zone. So you know what we do in the Town of New Windsor, we hold two meetings, we hold a preliminary meeting and then by law everything has to be done at a public hearing. The idea here is with a preliminary hearing we can get an idea of what you want to do and make sure that you have all the information that we need to make a decision. Then what I would ask you just to state your name and address loud enough for the young lady over here to hear you.

MS. SHOENBERGER: Good evening, my name is Samantha Shoenburger representing the McWilliams' residence addition. Essentially, the existing home is approximately 1890's farmhouse 2,800 square feet and we'd like to put on a 580 square foot addition which will be two stories which will extend the kitchen and the master suite ten square feet as well as an addition as you can see on the site plan here which will include a family room and a sun room. The variance like the chairman spoke is only 9 feet 4 inches so we feel that it is a rather small variance to ask for. The neighbors to the rear of them are located on the top of the hill and the addition will not impede the view of the neighbors. Their location is much higher than their existing house and they have stated previously they have no problem with the addition. There's an existing rock wall that we intend to keep and to the travel of the property the way you would walk around the house will remain the same so the landscape won't be changing. And we feel like we're keeping within the character of the home and within the colonial farmhouse style so the neighborhood won't change at all.

(Whereupon, Mr. Krieger entered the room.)

MS. SHOENBERGER: Just wondering if there's any questions I can answer for the board.

MS. LOCEY: I think you said the proposed addition was 580 and I think this plan says 850.

MS. SHOENBERGER: I'm sorry, 850 square feet, I apologize.

MR. KANE: The addition, the variance that you need is for the frontage towards Jackson Avenue?

MS. SHOENBERGER: It's towards the rear, the front is an existing condition of the lot, the rear currently it has the town requires 50 feet and currently that's 50.6 feet and the addition will make it 40.6 so it's a variance of 9 feet 4 inches.

MR. KANE: Any additional bathrooms being put in so no extra load on the septic?

MS. SHOENBERGER: No extra baths, we're just moving the location of the existing bathroom.

MR. KANE: Removing substantial vegetation or trees?

MS. SHOENBERGER: No, actually one of the reasons we chose to do the addition in this direction is so that we didn't disturb the drip line of a large tree that's located to the rear, so that's one of the reasons we chose to go in the direction that we did so we won't be removing any large vegetation.

MR. KANE: Creating water hazards or runoffs with the building of the addition?

MS. SHOENBERGER: No.

MR. KANE: Any easements going through the area where

you plan to build the addition?

MS. SHOENBERGER: Not in the area where we plan to build the addition. The only easement located on the property is all the way to the north, if you like, and the addition won't affect that at all.

MR. BEDETTI: Approximately how far away from the closest lot line is the house behind?

MS. SHOENBERGER: Approximately up here so I'd say probably about 100 feet, it's probably twice the distance of this.

MR. KANE: Any further questions at this point? The addition on the home itself does that keep the home in similar size and nature to other homes that are in the area?

MS. SHOENBERGER: Yes.

MR. KANE: Is it going to be extremely bigger?

MS. SHOENBERGER: There's along Jackson Avenue to the south there's a row of newer homes that have been built, actually this additional probably will bring it close to what the existing homes are. The house that's to the west of them at the bottom of the hill is I'd say larger than our house, there are mostly new buildings in that area.

MR. KANE: I will accept a motion.

MR. DITTBRENNER: I'll make a motion we schedule a public hearing for William McWilliams at 465 Jackson Avenue for a variance request of 9 foot 4 inch rear yard setback for a proposed addition.

MR. BEDETTI: I'll second that.

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ROLL CALL

MR. DITTBRENNER AYE

MR. BEDETTI AYE

MS. LOCEY AYE

MR. KANE AYE

MS. SHOENBERGER: Thank you very much.

JOHN_O'BRIEN_(09-03)

MR. KANE: Next is John O'Brien requesting a 7 foot rear yard setback for proposed addition at 127 Blanche Avenue in an R-4 zone.

MR. LOMBARDI: Can you give me a few minutes, he's on his way here.

MR. KANE: Not a problem, we'll hold off, we'll go to the public hearing.

PUBLIC_HEARING_CONTINUATION:

ROGER_&_PATRICIA_ARNOLD_(08-36)

MR. KANE: Continuation of Roger and Patricia Arnold request for area variances as follows for existing two-family dwelling 68,164 square foot minimum lot area, 9 foot minimum lot width and 6 foot side yard setback all at 13 Marotta Drive in an R-3 zone.

Mr. Kenneth Lytle appeared before the board for this proposal.

MR. KANE: Okay, if I remember correctly, we had to straighten some things out with notices, right, and we, it's not a use variance just an area variance, okay, so let's pick it up from there and tell us again what you want to do and make sure that you state your name and address loud enough for this young lady over there to hear you.

MR. LYTLE: Ken Lytle representing Mr. and Mrs. Arnold. They have an existing house located at 13 Marotta Drive and it's again it's a two family, they have been living in it for many years paying taxes on it as a two family and going for some deck work it came to their attention that it wasn't actually meeting all the requirements, that's why we're here for the area variance now. The lot area requires 68,164 square foot minimum lot area, we need 9 feet minimum for the lot width and 6 feet side yard for one of the sides.

MR. KANE: This particular home has been used as a two-family home for how long approximately?

MRS. ARNOLD: About 21 years.

MR. KANE: And your name, ma'am?

MRS. ARNOLD: Patricia Arnold.

MR. KANE: As a two-family home, it would, it has a separate utility as far as gas and electric coming in?

MR. LYTLE: Yes.

MR. KANE: That's also been in existence for about the same time? Let the record show that I do have a fax from Central Hudson showing that. Okay, let's do it this way. At this point, I will ask if there's anybody in the audience for this particular hearing? Open it up to the public. Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: Well, the first time we mailed out 19 addressed envelopes and had no response, second time we just put it in the paper.

MR. KANE: Right, just had to put it in the paper for an additional ten days because of the change. So we'll close the public position and bring it back to the board for questions. Pretty straightforward. For the record a two family use is allowed in there, you're here strictly for an area variance.

MR. BEDETTI: Are there any other two family residences nearby or are they all single family homes?

MRS. ARNOLD: I have no idea.

MR. LYTLE: I have no idea. There's pictures in the back, from the front, it looks like a single-family home. It blends with the neighborhood.

MR. KANE: If there are no further questions, I will ask the board for a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application for Roger and

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Patricia Arnold as detailed on the agenda of the New Windsor Zoning Board meeting dated January 12, 2009.

MR. DITTBRENNER: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETING:

JOHN_O'BRIEN_(09-03)

MR. KANE: John O'Brien.

Mr. Frank Lombardi appeared before the board for this proposal.

MR. LOMBARDI: Frank Lombardi for Mr. O'Brien. Mr. O'Brien's on his way here. He's looking for a 9 foot variance on Blanche Avenue, his rear property line goes on a slight angle non-parallel to the rear of the house so he wants to put a two car garage, I believe bedroom upstairs, extending a ranch making it longer and the rear corner on the triangle pattern hits the rear yard setback by approximately 9 feet, so he's asking for a variance for the 9 feet of a rear yard. He's got quite a big lot, he's on kind of a corner, doesn't really impact the size of the building, doesn't impact tremendously on the neighborhood. They're all high ranches, his is going to be a longer high ranch by I believe 30 feet, 20 some odd feet longer than all the other houses on this street, they're all built the same, the same plans.

MR. KANE: Is the building that's going up strictly a garage?

MR. LOMBARDI: No, above is going to be a master bedroom, they're going to take the original master bedroom, turn it into a closet and make it a hallway to go into the new master bedroom so the amount of bedrooms will remain the same in the house.

MR. KANE: Will they be cutting down any substantial vegetation and trees in the building of addition?

MR. LOMBARDI: None at all.

MR. KANE: Creating water hazards or runoffs?

MR. LOMBARDI: No.

MR. KANE: Any easements going through the area where you want to put the addition?

MR. LOMBARDI: I think there's a storm easement but it's at least 30, 40 feet passed the addition, I think that's a storm easement, I'm not 100 percent sure.

MR. KANE: For the public hearing we want to make sure where the easement is.

MR. LOMBARDI: Do you have a survey there?

MR. KANE: I do but I'm not really seeing an easement on it.

MR. LOMBARDI: There's something over here.

MR. KANE: Maybe.

MR. LOMBARDI: There's something this way, the street turns here, there's a sewer here, something that goes back to the ball field or something in here.

MR. KANE: I'm going to definitely want to make sure whether it's there or not there.

MR. LOMBARDI: I think Mr. O'Brien told me there's some kind of storm sewers.

MR. KANE: We just want to make sure at the public hearing.

MR. LOMBARDI: I don't know where he got that from but I think he was telling me that but I think it would be on the survey.

MR. KANE: It should be clarified one way or the other in the public hearing. With the addition going on the house is that going to make the home similar in size and nature to other homes that are in the area or is it going to make it larger?

MR. LOMBARDI: It's going to make it larger. They're all built at the same time by the same builder, all the same home, three bedroom high ranch, let's say they're 40 feet long, this one's going to be longer than all the existing homes but his lot seems to be wider than all the other lots cause he's on the corner.

MR. KANE: So you're not going to change the character of the neighborhood?

MR. LOMBARDI: No.

MS. LOCEY: His address is Blanche.

MR. LOMBARDI: Yes.

MS. LOCEY: But this is outlined on Merline and Morris, where is Blanche?

MR. LOMBARDI: Morris is Blanche. Blanche originally started in Ducktown and then when they built this subdivision they extended Blanche but for some reason this was marked Morris but Blanche comes all the way around and I don't know how or when that happened but it's been Blanche as long as I know.

MR. DITTBRENNER: I'm sorry, looking at the documentation when you were talking where is the proposed addition on here over the deck or--

MR. LOMBARDI: No, it's to this side right and then because the rear because the house is non-parallel to this rear yard the corner just hits it by 9 feet.

MR. DITTBRENNER: When I look at this it's going in this direction.

MR. LOMBARDI: Yeah, his house is almost parallel to the road frontage this way so it's going towards the deck and this is coming back in from that angle, it hits the rear corner by a triangle of around 9 feet.

MR. KANE: Okay, any further questions?

MS. LOCEY: Are we going to have some sort of pictures or something for the public hearing? There are none.

MR. KANE: We can request, absolutely.

MS. LOCEY: I think I would like to see them.

MR. KANE: Yeah, some pictures of the yard, some views from the street looking back out and anything you can give us.

MR. LOMBARDI: We'll do the whole side, front, rear, back.

MS. LOCEY: Where the proposed addition will be.

MR. KANE: Any other questions? I'll accept a motion.

MR. BEDETTI: Make a motion we schedule a public hearing for John O'Brien for the variances requested at 127 Blanche Avenue for a 7 foot rear yard setback related to a proposed addition.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE

MR. KANE AYE

(Whereupon, Mr. O'Brien entered the room.)

MR. KRIEGER: Mr. O'Brien, as long as you're here, can the board rely on everything he said?

MR. O'BRIEN: Yes, absolutely, unequivocally.

MR. KANE: One thing we request is pictures of the lot showing the lot all the way around the house so we can see everything.

MR. O'BRIEN: Okay.

MR. KANE: Motion to adjourn?

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER AYE

MR. BEDETTI AYE

MS. LOCEY AYE

MR. KANE AYE

Respectfully Submitted By:

Frances Roth
Stenographer

